

EXHIBIT D

Subject: r RE: Availability for Monday Oct. 31
Date: Monday, October 31, 2022 at 8:50:27 PM Central Daylight Time
From: Sanders, Leslie Goff (Nashville)
To: Jonathan Street, Crowell, Daniel (Nashville), Lauren Irwin
Attachments: image001.png, image730827.png, Defendants' Resolution Status Report.Amos.Lampo.docx

Jon – I'm going to file Defendants' Resolution Status Report tonight. Judge Holmes was not happy that we let the original deadline pass. She instructed us to file something by October 31. I don't think our statement is misleading at all. "Plaintiff made a settlement demand to which Defendants responded. The parties did not reach a resolution." That is exactly what happened. Because you dispute that our counteroffer was actually a counteroffer, I stated that Defendants "responded" instead of saying "Defendants made a counteroffer." We have wildly different views on the value of this case as evidenced by the huge disparity in your demand and our response/counteroffer. While that should not impact a simple Joint Resolution Status Report, we apparently can't even agree that the Defendants "responded." I'm out of ideas on how to resolve this so I'm filing our report tonight. See attached. You can file a separate report tomorrow. Thanks.



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From: Jonathan Street <street@eclaw.com>
Sent: Monday, October 31, 2022 8:14 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: Re: Availability for Monday Oct. 31

[EXTERNAL SENDER]

I can let you know tomorrow.

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Sent: Monday, October 31, 2022 8:12:45 PM
To: Jonathan Street <street@eclaw.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: Re: Availability for Monday Oct. 31

It is due today. We have to file something tonight.



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From: Jonathan Street <street@eclaw.com>
Sent: Monday, October 31, 2022 8:11:03 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: Re: Availability for Monday Oct. 31

[EXTERNAL SENDER]

I can get with you tomorrow. I thought it was due last Friday? What you sent seems a little misleading is all.

Why doesn't your client just say they have no interest in settlement?

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Sent: Monday, October 31, 2022 8:09:18 PM
To: Jonathan Street <street@eclaw.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: RE: Availability for Monday Oct. 31

Jon – any word? We have to file this tonight. Let me know by 9:00 if you want to file this together or separately. Thanks.



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From: Jonathan Street <street@eclaw.com>

Sent: Monday, October 31, 2022 3:57 PM

To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>

Subject: Re: Availability for Monday Oct. 31

[EXTERNAL SENDER]

Lauren is traveling back from Memphis. I will review with her when she gets back.

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>

Sent: Monday, October 31, 2022 3:50:51 PM

To: Jonathan Street <street@eclaw.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>

Subject: RE: Availability for Monday Oct. 31

Please find attached the revised proposed joint resolution statement. I have also attached the original that I sent to Lauren last week for your reference. I am leaving the office soon so please let me know if you agree with the attached.



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From: Jonathan Street <street@eclaw.com>
Sent: Monday, October 31, 2022 3:45 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
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[EXTERNAL SENDER]

As you are aware, we didn't file a title vii claim against the individual defendant in our amended complaint.

We just want to be honest with the court in anything we file.

We will review anything you propose we file jointly.

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Sent: Monday, October 31, 2022 3:37:06 PM
To: Jonathan Street <street@eclaw.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: RE: Availability for Monday Oct. 31

Jon -- I've made our position clear from the beginning of this lawsuit. Please refer to the sanctions motion that we provided to you earlier this year. Please also refer to the pending motions to dismiss. We have told you repeatedly that your client's suit against the individual defendant is in bad faith. Plaintiff's deposition testimony reinforced the accuracy of Defendants' position. This is not bullying. We are entitled to our Rule 54 costs to date. I know you disagree but we intend to seek costs and fees for the vexatious litigation against the individual defendant and as the prevailing party in the Title VII case.

Our differing views on the suit against the individual defendant should not be relevant for purposes of complying with Judge Holmes' order. However, because you insist on misrepresenting to the court that Defendant made no counteroffer, Defendants will file a separate statement. Defendant's resolution statement will be identical to the one I sent you except that I will change "the parties" in the last sentence to "Defendants." Please review it again. If this is acceptable to you, we are happy to file it jointly. Otherwise, we will file it as Defendant's Resolution Status Report.

Thanks.



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From: Jonathan Street <street@eclaw.com>
Sent: Monday, October 31, 2022 3:15 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
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[EXTERNAL SENDER]

Is there a cause of action you have identified that would allow collections of costs and fees? Because you have yet to identify them to us.

Its simply defendant threatening a violation of Tennessee's anti-slapp lawsuit.

Threats are not offers of compromise. It is bullying. Surprising behavior from a "Christian" company.

I think our proposed changes are fine. No one is forcing you to settle. I'm not sure why you don't want to tell the court that is your position?

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Sent: Monday, October 31, 2022 3:03:57 PM
To: Jonathan Street <street@eclaw.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: RE: Availability for Monday Oct. 31

Jon – You are welcome to add Plaintiff's view of ADR. Our offer was meaningful. Costs alone in this case will be at least \$30k (with experts), not to mention fees. We are willing to walk away from seeking fees and costs from your client.

I recommend the original language I proposed plus whatever you want to say re: Plaintiff's view on whether ADR would be helpful. For your reference, here is the original language:

The parties, by and through the undersigned counsel and pursuant to Initial Case Management Order (Doc. # 26) and the Court's Order entered on September 19, 2022 (Doc. #45), report to the Court that counsel for the parties have conferred about the potential for resolution in compliance with the Court's Order (Doc. #45). Plaintiff made a settlement demand to which Defendants responded. The parties did

not reach a resolution. At this time, the Parties have engaged in substantial discovery. The parties do not believe that ADR will result in a resolution of this case.

I suggest we delete the last sentence above and replace it with this – “[insert plaintiff’s view of ADR]. Defendant does not believe that ADR will result in a resolution of this case.”



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From: Jonathan Street <street@eclaw.com>

Sent: Monday, October 31, 2022 2:53 PM

To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>

Subject: Re: Availability for Monday Oct. 31

[EXTERNAL SENDER]

The language you used was not accurate in regard to plaintiffs position on ADR.

An offer of zero is not a counter-offer.

Please dont file anything that makes any statement on our behalf without our approval.

If you have alternative language you would suggest, we will look at it.

Jon

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Sent: Monday, October 31, 2022 2:49:46 PM
To: Jonathan Street <street@eclaw.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: Re: Availability for Monday Oct. 31

Jon - we made a counteroffer. We are going to seek fees and costs, particularly with respect to the individual defendant. We will forego that to settle this case. The original language I proposed is accurate. If you prefer, we can file 2 separate statements. Just let me know by 4:30. Thanks



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From: Jonathan Street <street@eclaw.com>
Sent: Monday, October 31, 2022 2:38:27 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>; Crowell, Daniel (Nashville) <Daniel.Crowell@jacksonlewis.com>; Lauren Irwin <lauren@eclaw.com>
Subject: Re: Availability for Monday Oct. 31

[EXTERNAL SENDER]

See attached. Our proposed edits.

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From: Jonathan Street <street@eclaw.com>
Date: Monday, October 31, 2022 at 2:01 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Subject: Re: Availability for Monday Oct. 31

Yes. Will send shortly.

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Sent: Monday, October 31, 2022 2:00:55 PM
To: Jonathan Street <street@eclaw.com>
Subject: RE: Availability for Monday Oct. 31

Jon – reminder that we need to file the joint resolution statement today. Do you have any changes? If not, we'll file it now.



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From: Jonathan Street <street@eclaw.com>
Sent: Monday, October 31, 2022 1:34 PM
To: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>
Subject: Re: Availability for Monday Oct. 31

[EXTERNAL SENDER]

Leslie-

I've been covered up in Monday stuff all day.

Could we talk tomorrow instead? If not, I'll call around 4:30

Thanks

Jon

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From: Sanders, Leslie Goff (Nashville) <Leslie.Sanders@jacksonlewis.com>

Sent: Sunday, October 30, 2022 4:46:31 PM

To: Jonathan Street <street@eclaw.com>

Subject: Availability for Monday Oct. 31

Jon – I'm available tomorrow between 2:30 – 4:00.



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